

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

KENNETH LEE NIECE	§	
VS.	§	CIVIL ACTION NO. 1:20-CV-55
WARDEN, FCI BEAUMONT	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Kenneth Lee Niece, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting respondent's motion for summary judgment and dismissing the petition without prejudice.

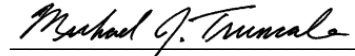
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Proper notice was given to the petitioner at his last known address. *See* FED. R. CIV. P. 5(b)(2)(c). No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (docket entry# 5) is **ADOPTED**.

Respondent's motion for summary judgment (docket entry #4) is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED** this 2nd day of March, 2021.

A handwritten signature in cursive script, reading "Michael J. Truncale", is positioned above a horizontal line.

Michael J. Truncale  
United States District Judge